
STATUTORY INSTRUMENTS

2010 No. 724

The Train Driving Licences and Certificates Regulations 2010

PART 1

GENERAL

Citation and commencement

1.—(1) These Regulations may be cited as the Train Driving Licences and Certificates Regulations 2010.

(2) Subject to regulation 39 (transitional provisions), these Regulations come into force on 6th April 2010.

Interpretation

2. In these Regulations—

“the 1974 Act” means the Health and Safety at Work etc Act 1974 ^{M1};

[^{F1}“British Channel Tunnel zone” means the part of the tunnel system within Great Britain together with the network—

- (a) from the tunnel system to and including Ashford International station for railway passenger services using the tunnel system, or
- (b) from the tunnel system to and including Dollands Moor freight yard for services for the carriage of goods by rail using the tunnel system;

“Channel Tunnel train driving certificate” means a train driving certificate which authorises the holder to drive a train in the Channel Tunnel zone;

“Channel Tunnel train driving licence” means a train driving licence which is held by a person who is at any time deployed by a railway undertaking or infrastructure manager to drive a train in the Channel Tunnel zone;

“Channel Tunnel zone” means the British Channel Tunnel zone together with the French Channel Tunnel zone;]

^{F2} ...

[^{F3}“the Department for Infrastructure” means the Department renamed as such by the Departments Act (Northern Ireland) 2016 and originally established as the Department for Regional Development by article 3(1) of the Departments (Northern Ireland) Order 1999]

[^{F4}“the Directive” means Directive [2007/59/EC](#) of the European Parliament and of the Council on the certification of train drivers operating locomotives and trains on the railway system in the Community as amended from time to time, before and after IP completion day;]

“employed” means engaged to do something whether under a contract of employment, or as an independent contractor or as a volunteer and related expressions must be construed accordingly;

[^{F5}“European train driving licence” means a licence, issued by a safety authority in accordance with article 14 of the Directive, indicating the holder satisfies medical, educational and professional skills requirements for train driving;]

[^{F6}“French Channel Tunnel zone” means the part of the tunnel system within France together with the network—

- (a) from the tunnel system to and including Calais-Fréthun station for railway passenger services using the tunnel system, or
- (b) from the tunnel system to and including Fréthun freight yard for services for the carriage of goods using the tunnel system;]

[^{F7}“French licensing authority” means the body responsible for granting European train driving licences in France;]

[^{F8}“in code form” is a reference to a code representing additional information or a medical restriction, as provided for in Annex I to Commission Regulation (EU) No 36/2010 on Community models for train driving licences, complementary certificates, certified copies of complementary certificates and application forms for train driving licences, under Directive 2007/59/EC of the European Parliament and the Council, as that Annex to that Regulation is amended from time to time;]

“infrastructure manager” means the holder of a safety authorisation issued by—

- (a) the ORR in accordance with regulation 10 or 12 of ROGS; or
- (b) the Intergovernmental Commission pursuant to the requirements of article 27 of the Regulation set out in the Schedule to the Channel Tunnel (Safety) Order 2007 ^{M2};

“Intergovernmental Commission” means the Commission established under article 10 of the Treaty of Canterbury of 12th February 1986 ^{M3} to supervise, in the name and on behalf of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic, all matters concerning the construction and operation of the Channel Tunnel;

“mainline railway” has the same meaning as in regulation 2(1) of ROGS but includes the “tunnel system” within the meaning of section 1(7) of the Channel Tunnel Act 1987 ^{M4};

[^{F9}“network” has the meaning given in section 83(1) of the Railways Act 1993;]

[^{F10}“Northern Ireland train driving licence” means a licence issued by the Department for Infrastructure under the Northern Ireland Regulations indicating that the holder satisfies medical, educational and professional skills for train driving;

“the Northern Ireland Regulations” means the Train Driving Licences and Certificates Regulations (Northern Ireland) 2010;]

“ORR” means [^{F11}the Office of Rail and Road];

[^{F12}“railway passenger service” has the meaning given in section 83(1) of the Railways Act 1993;]

“railway undertaking” means the holder of—

- (a) a safety certificate issued by the ORR in accordance with regulation 7 or 9 of ROGS; or
- (b) a Part B certificate issued by the Intergovernmental Commission pursuant to the requirements of article 39(ii) of the Regulation set out in the Schedule to the Channel Tunnel (Safety) Order 2007;

[^{F13}“Recast Safety Directive” means Directive (EU) 2016/798 of the European Parliament and of the Council on railway safety (recast);]

“recognised doctor” means a registered medical practitioner whose name appears in a register of doctors that the ORR has published, or caused to be published, under regulation 23(1);

“recognised examiner” means a person whose name appears in a register of examiners that the ORR has published, or caused to be published, under regulation 23(1);

“recognised psychologist” means a person who holds the qualification of the British Psychological Society Certificate in Occupational Testing (Level A) and whose name appears in a register of psychologists that the ORR has published, or caused to be published, under regulation 23(1);

“recognised trainer” means a person whose name appears in a register of trainers that the ORR has published, or caused to be published, under regulation 23(1);

[^{F14}“relevant European train driving licence” means a European train driving licence which is held by a driver who is at any time deployed by a railway undertaking or infrastructure manager to drive trains in the Channel Tunnel zone;]

“ROGS” means the Railways and Other Guided Transport Systems (Safety) Regulations 2006 ^{m5},

[^{F15}“safety authority” means an authority established in an EEA state, other than the Intergovernmental Commission, in accordance with article 16(1) of Directive 2004/49/EC of the European Parliament and of the Council on safety on the Community's railways and amending Directive 95/18 EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification or article 16(1) of the Recast Safety Directive;]

“safety management system” in relation to a railway undertaking or infrastructure manager means the organisation and arrangements established by it, under regulation 5 of ROGS or articles 22 to 25 of the Channel Tunnel (Safety) Order 2007, to ensure the safe management of its operation;

“train” includes a locomotive, a shunting locomotive, a work train and a maintenance railway vehicle;

[^{F16}“train driving certificate” means a certificate issued by a railway undertaking or infrastructure manager under these Regulations indicating the infrastructure on which the holder is authorised to drive and the types of train which the holder is authorised to drive;]

[^{F17}“train driving licence” means a licence issued by or on behalf of the ORR under these Regulations indicating that the holder satisfies medical, educational and professional skills requirements for train driving;]

[^{F18}“transitional period” means the period commencing on exit day and expiring at the end of two years.]

Textual Amendments

- F1** Words in [reg. 2](#) inserted (31.1.2022 at 11:00 p.m.) by [The Train Driving Licences and Certificates \(Amendment\) Regulations 2022 \(S.I. 2022/85\)](#), [regs. 1\(2\)](#), [2\(2\)\(a\)](#)
- F2** Words in [reg. 2](#) omitted (31.12.2020) by virtue of [The Train Driving Licences and Certificates \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/677\)](#), [regs. 1\(2\)](#), [2\(2\)\(a\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F3** Words in [reg. 2](#) substituted (31.12.2020) by [The Train Driving Licences and Certificates \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/677\)](#), [regs. 1\(2\)](#), [2\(2\)\(b\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F4** Words in [reg. 2](#) substituted (31.12.2020) by [The Train Driving Licences and Certificates \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/677\)](#), [regs. 1\(2\)](#), [2\(2\)\(c\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#) (as

- amended by The Railways (Miscellaneous Amendments, Revocations and Transitional Provisions) (EU Exit) Regulations 2020 (S.I. 2020/786), regs. 1(2)(b)(i), **6(2)(a)**)
- F5** Words in reg. 2 substituted (31.1.2022 at 11:00 p.m.) by The Train Driving Licences and Certificates (Amendment) Regulations 2022 (S.I. 2022/85), regs. 1(2), **2(2)(b)**)
- F6** Words in reg. 2 inserted (31.1.2022 at 11:00 p.m.) by The Train Driving Licences and Certificates (Amendment) Regulations 2022 (S.I. 2022/85), regs. 1(2), **2(2)(c)**)
- F7** Words in reg. 2 inserted (31.1.2022 at 11:00 p.m.) by The Train Driving Licences and Certificates (Amendment) Regulations 2022 (S.I. 2022/85), regs. 1(2), **2(2)(d)**)
- F8** Words in reg. 2 inserted (21.5.2013) by The Railways and Other Guided Transport Systems (Miscellaneous Amendments) Regulations 2013 (S.I. 2013/950), regs. 1, **4(2)**)
- F9** Words in reg. 2 inserted (31.1.2022 at 11:00 p.m.) by The Train Driving Licences and Certificates (Amendment) Regulations 2022 (S.I. 2022/85), regs. 1(2), **2(2)(e)**)
- F10** Words in reg. 2 inserted (31.12.2020) by The Train Driving Licences and Certificates (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/677), regs. 1(2), **2(2)(e)**; 2020 c. 1, Sch. 5 para. 1(1)
- F11** Words in reg. 2 substituted (16.10.2015) by The Office of Rail Regulation (Change of Name) Regulations 2015 (S.I. 2015/1682), reg. 1(2), **Sch. para. 10(z)(i)**)
- F12** Words in reg. 2 inserted (31.1.2022 at 11:00 p.m.) by The Train Driving Licences and Certificates (Amendment) Regulations 2022 (S.I. 2022/85), regs. 1(2), **2(2)(f)**)
- F13** Words in reg. 2 inserted (31.12.2020) by The Train Driving Licences and Certificates (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/677), regs. 1(2), **2(2)(f)**; 2020 c. 1, Sch. 5 para. 1(1)
- F14** Words in reg. 2 inserted (31.1.2022 at 11:00 p.m.) by The Train Driving Licences and Certificates (Amendment) Regulations 2022 (S.I. 2022/85), regs. 1(2), **2(2)(g)**)
- F15** Words in reg. 2 substituted (31.12.2020) by The Train Driving Licences and Certificates (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/677), regs. 1(2), **2(2)(g)**; 2020 c. 1, Sch. 5 para. 1(1)
- F16** Words in reg. 2 substituted (31.12.2020) by The Train Driving Licences and Certificates (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/677), regs. 1(2), **2(2)(h)**; 2020 c. 1, Sch. 5 para. 1(1)
- F17** Words in reg. 2 substituted (31.12.2020) by The Train Driving Licences and Certificates (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/677), regs. 1(2), **2(2)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F18** Words in reg. 2 inserted (31.12.2020) by The Train Driving Licences and Certificates (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/677), regs. 1(2), **2(2)(j)**; 2020 c. 1, Sch. 5 para. 1(1)

Marginal Citations

- M1** 1974 c.37.
- M2** S.I. 2007/3531.
- M3** Presented to Parliament by the Secretary of State for Foreign and Commonwealth Affairs by Command of Her Majesty February 1986. Published as Treaty Series No. 15 (1992), Command Paper 1827. (Out of print but copies may be obtained from the British Library.)
- M4** 1987 c.53.
- M5** S.I. 2006/599.

Application and extent

3.—(1) Subject to paragraphs (2) and (3), these Regulations apply in relation to the driving of trains on the mainline railway.

[^{F19}(1A) These Regulations do not apply in relation to the driving of trains which the [^{F20}Office of Rail and Road] has determined under regulation 2A(2) of ROGS are deemed not to operate on the mainline railway.]

(2) These Regulations do not apply in relation to the driving of trains on track which is temporarily closed to normal traffic for the purpose of maintaining, renewing or upgrading railway infrastructure.

(3) These Regulations do not extend to Northern Ireland.

.....

Textual Amendments

- F19** Reg. 3(1A) inserted (21.5.2013) by [The Railways and Other Guided Transport Systems \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/950\)](#), regs. 1, **4(3)**
- F20** Words in reg. 3(1A) substituted (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), reg. 1(2), **Sch. para. 10(z)(ii)**

Changes to legislation:

There are currently no known outstanding effects for the The Train Driving Licences and Certificates Regulations 2010, PART 1.